IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
LASALLE COUNTY, ILLINOIS

FILED
AUG 18 2015
LASALLE COUNTY CIRCUIT CLERK
THIRTEENTH JUDICIAL CIRCUIT OF ILLINOIS

Kevin R. Kramer, Petitioner,	)	
v.	)	No. 15 F 153
Julia C. Eickmeier, Respondent.	)	

MOTION TO DISMISS

NOW COMES the Respondent, Julia Eickmeier, by and through her attorney James M. Durkee of Malmquist and Geiger, and hereby states in support of her Motion to Dismiss as follows:

1. A custody judgment was entered by the Bureau County Circuit Court in this Cause on April 24, 2014, awarding the parties joint custody of the parties' minor child, M.K.

2. Petitioner filed in this Cause a Petition for Modification for Child Custody, which remains pending before the Court.

3. Said petition, being filed within two (2) years of entry of a custody judgment, must be accompanied by an affidavit and is subject to disallowance, pursuant to 750ILCS 5/610(a).

4. No affidavit accompanies or is attached to said petition.

5. The allegations in said petition are insufficient to provide a reasonable basis to believe the child's present environment may endanger seriously the child's physical, mental, moral or emotional health.

6. Respondent is a fit and suitable parent and is the primary caretaker of the child, and has been for the duration of the child's life.

WHEREFORE, Respondent Julia C. Eickmeier respectfully requests this Honorable Court enter an Order dismissing Petitioner's Petition for Modification for Child Custody, and for all further relief this Court deems equitable and just.

RESPECTFULLY SUBMITTED,

Julia Eickmeier, Julia Eickmeier

One of Her Attorneys

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, including statements of insufficient knowledge as to the truth to certain allegations, and except as to matters therein stated to be on information and belief, and as to such matters, the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

Dated: 8-05-15

Julia Eickmeier

Julia Eickmeier

PREPARED BY:
James M. Durkee, Bar #6296297
Malmquist and Geiger
415 Liberty St.
Morris, IL 60450
(815) 942-5072

PROOF OF SERVICE

The undersigned certifies under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, that on 8/05, 2015, a copy of the foregoing instrument was served upon the following:

Robert B. Steele
Aplington, Kaufman, McClintock, Steele & Barry Ltd.
P.O. Box 517
160 Marquette St.
La Salle, IL 61301

Nenya Giles, Asst. Attorney General
Attorney for the State of Illinois
16 West Cass St., 4th Floor
Joliet, IL 60432

by the method specified below:

___ by **personally delivering** a copy to the person in charge of the above referenced office before the hour of 5:00 p.m. on the date specified.

✓ by enclosing the same in an envelope addressed to such person at the address indicated, with postage fully prepaid, and by depositing said envelope in a U. S. Post Office **Mail** Box in Morris, Illinois, on the date specified, before 5:30 p.m.

___ by transmitting a copy by facsimile to the **facsimile** number noted under the name(s) above before 5:30 p.m.

___ by enclosing a copy in an envelope addressed to such person at the address indicated, with postage fully prepaid, by **certified mail, return receipt requested,** and by depositing said envelope in a U.S. Post Office Mail Box in Morris, Illinois, on the date specified, before 5:30 p.m.

___ by serving a copy of the foregoing instrument to such person in **open Court** on the date specified.

_____ by delivering a copy to such person through a **third party commercial carrier**-including deposit in the carrier's pick up box or drop off with the carrier's designated contractor- enclosed in a package, plainly addressed to such person, with the delivery charge fully prepaid, on or before 5:30 p.m. on the date stated.

_____ by transmitting a copy via **e-mail** to such person at the above designated e-mail address on or before 5:30 p.m. on the date specified.

_____ by transmitting a copy to such person through a service provider that provides an **electronic in-box** to such person's in-box address on or before 5:30 p.m. on the date specified.

Connie L Carter

eickmeier.pos